

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Criminal Action No.
)
 07-00255-01-CR-W-ODS
SERGIO IBARRA-SILVA,)
)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on April 9, 2008. Defendant Ibarra-Silva appeared in person and with retained counsel Darren Fulcher. The United States of America appeared by Assistant United States Attorney Charles Ambrose.

I. BACKGROUND

On July 19, 2007, an indictment was returned charging Defendant with one count of conspiracy to distribute methamphetamine, cocaine base, cocaine and marijuana, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), 846; one count of aiding and abetting the distribution of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 18 U.S.C. § 2; one count of illegal reentry into the United States, in violation of 8 U.S.C. §§ 1326(a), (b)(2); and one count of criminal forfeiture.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Ambrose announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Keegan Hughes, Jackson County Drug Task Force.

Mr. Fulcher announced that he will be the trial counsel for Defendant Ibarra-Silva.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Ambrose announced that the government intends to call seven witnesses with signed stipulations during the trial.

Mr. Fulcher announced that Defendant Ibarra-Silva intends to call four witnesses during the trial. Defendant Ibarra-Silva may testify.

V. TRIAL EXHIBITS

Mr. Ambrose announced that the government will offer approximately sixty exhibits in evidence during the trial.

Mr. Fulcher announced that Defendant Ibarra-Silva will offer approximately ten exhibits in evidence during the trial.

VI. DEFENSES

Mr. Fulcher announced that Defendant Ibarra-Silva will rely on the defense of general denial.

VII. *POSSIBLE DISPOSITION*

Mr. Fulcher stated this case is definitely for trial.

VIII. *STIPULATIONS*

Stipulations have been executed regarding chain of custody, chemist's reports, the custodian of records of bank records, and various factual matters.

IX. *TRIAL TIME*

Counsel were in agreement that this case will take two days to try.

X. *EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS*

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed January 3, 2008, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by Wednesday, April 9, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, April 16, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, April 16, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. *UNUSUAL QUESTIONS OF LAW*

There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on April 21, 2008. A Spanish-speaking interpreter is required. The parties request the first week of the trial docket because of scheduling conflicts for witnesses and counsel on the second week.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
April 9, 2008

cc: The Honorable Ortrie D. Smith
Mr. Charles Ambrose
Mr. Darren Fulcher
Mr. Jeff Burkholder